

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0367

SARAH LUNDIN,
Petitioner,

v.

MONTANA ELEVENTH JUDICIAL DISTRICT
COURT, The HONORABLE TED O. LYMPUS
Presiding,

Respondent.

ORDER FILED

AUG 10 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Plaintiff and Petitioner Sarah Lundin, by counsel (Lundin), has filed a Petition for Writ of Supervisory Control and Stay Pending Disposition. Lundin sued alleged tortfeasor Andrea Davidson in the Eleventh Judicial District Court for injuries she sustained when rear-ended in a motor vehicle accident by Davidson, and in the same suit named Defendant EMC Insurance Companies and Employers Mutual Casualty Company (hereinafter EMC), her underinsured motorist carrier, in a claim for underinsured motorist benefits. EMC sought to bifurcate the underinsured motorist claim from the underlying accident claim, and over Lundin's objection, the District Court granted the bifurcation motion. Lundin seeks relief from the bifurcation order, contending the District Court has made a mistake of law and that appeal is an inadequate remedy. Lundin also seeks a stay of further proceedings in the District Court pending disposition of her petition.

We deem it appropriate to receive a summary response to the Petition for Writ of Supervisory Control and Stay Pending Disposition from EMC, pursuant to M. R. App. P. 14(7)(a). Accordingly,

IT IS HEREBY ORDERED that EMC shall file a summary response to the Petition for Writ of Supervisory Control and Stay Pending Disposition within 20 days of the date of this Order.

The Clerk is directed to serve a copy of this Order upon all counsel of record and upon the Honorable Ted O. Lympus, Montana Eleventh Judicial District Court, under Cause Number DV-09-949(a).

DATED this 10th day of August, 2010.

Patricia Cottes

Jim Rice

W. William Lympus

Michael W. Reed

Brian M. Miller

Justices